

For Groups I and II, the Office has characterized the relationship between these two groups as process and apparatus for its practice. Citing MPEP §806.05(e), the Office suggests that the claimed process can be practiced by a materially different apparatus such as an “apparatus that does not have a unit for melting one of the first and second substrate, but has a unit that heats the substrate to a sufficient temperature to form an intermetallic compound on the surface, such a diffusion furnace.” The Examiner merely stated the conclusion. However, there is nothing in the record showing how the claimed process is performed using the alleged apparatus. Further, the Office has failed to provide sufficient support and/or examples to support its assertion. Furthermore, even if the claimed process could be practiced with the alleged apparatus, the Office has not shown that the alleged apparatus is materially different from the claimed apparatus. Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Therefore, the Applicants respectfully submit that the Restriction Requirement should be withdrawn.

Further, the Applicants respectfully traverse the Restriction Requirement on the additional grounds that the Office has not shown that a burden exists in searching the entire application.

Moreover, MPEP §803 states as follows:

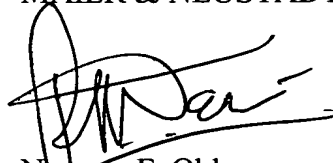
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office.

~~Finally, Applicants submit that this application is now in condition for examination~~  
on the merits and an early notification to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Rohitha Jayasuriya  
Registration No. 50,385



**22850**

Tel.: (703) 413-3000

Fax: (703) 413-2220

NFO:RMJ/la

I:\atty\Rmj\2002-10\211372US-AM-RR.wpd



211372US0X

**Marked-Up Copy**  
Serial No: 09/903,747  
Amendment Filed on:  
Herewith

IN THE CLAIMS

10. (Amended) The method as claimed in claim 1, [2 or 9,] wherein the first substance is in powdery form or molten form and contains a powdery or fibrous ceramic constituted of an oxide, carbide, nitride or boride of at least one metal selected from the group consisting of aluminum, yttrium, titanium, zirconium, hafnium and silicon.

14. (New)

15. (New)

RECEIVED  
NOV - 1 2002  
TC 1700 MAIL ROOM